

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 2752 – SB 2665

March 30, 2010

SUMMARY OF AMENDMENT (015993): Deletes all language after the enacting clause. Effective July 1, 2010, authorizes the Attorney General and Reporter to conduct administrative forfeiture proceedings in all sexual offenses committed against a minor.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures – Not Significant

Increase Local Expenditures – Not Significant

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Increase State Revenue – Exceeds \$100,000

Increase State Expenditures - \$406,600

Increase Local Revenue – Exceeds \$100,000

Increase Local Expenditures – Not Significant

Assumptions applied to amendment:

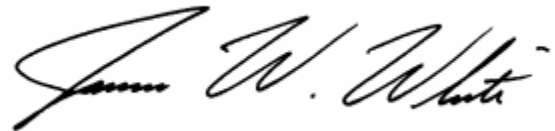
- Currently, any conveyance of real or personal property used in the commission of a sexual offense, if the offense is committed against a minor, or an offense regarding sexual exploitation of children, is subject to administrative forfeiture.
- Public Chapter 960 of the Public Acts of 2006 authorized state and local governments to seize conveyance of real property used in the commission of a sex offense against a child less than 18 years of age and the seizure of a vehicle, aircraft or vessel used in the commission of a sex offense under Title 39, Chapter 13, Part 5.
- According to the Secretary of State's Office, the administrative law judges have not heard any cases concerning the forfeiture of property from a sex crime because such forfeitures were not assigned to any state department to prosecute such proceedings. No funds have been deposited into the Child Abuse Fund created by Public Chapter 960.
- There are approximately 4,000 incidents of sex offenses committed against minors each year. Each case would have to be reviewed and screened by an attorney. Estimate assumes 10 percent (400) will be pursued by the Attorney General's Office. The Attorney General's Office may pursue cases that are not criminally pursued by the

district attorney since there is a lower standard of proof with respect to preponderance vs. reasonable doubt.

- The Attorney General's Office will require additional resources to handle the duties required by this amendment. Recurring expenditures of \$406,600 reflect salaries and benefits of two additional attorney positions (\$204,400); one additional paralegal position (\$46,300); and one additional secretary position (\$39,100). Equipment, travel, and supplies for three positions of \$90,600 (30,200 x 3 positions) and equipment and supplies for the secretary position of \$26,200.
- All forfeitures are subject to lien holders' rights; therefore, any outstanding liens would be paid from the sales proceeds. The amount of revenue collected by state and local government due to administrative forfeiture cases is unknown. However, it is reasonable to assume that collections will exceed \$100,000 for both state and local government.
- Any additional cost for local government can be accommodated within existing resources without an increased appropriation or reduced reversion.

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is fluid and cursive, with the first name "James" written in a larger, more prominent script than the last name "White".

James W. White, Executive Director

/lsc